

STATE OF MARYLAND \* IN THE CJ  
VS. \* CIRCUIT COURT  
NICHOLAS WAYNE SUMMERS \* FOR  
\* FREDERICK COUNTY  
\* CASE NO.: C-10-CR-23-000846

\* \* \* \* \*

**DEFENDANT'S REQUEST FOR DISCOVERY AND MOTION TO PRODUCE  
DOCUMENTS**

The following requests are made, in accordance with Maryland Rule 4-262, on behalf of the defendant in the above entitled action, by the undersigned attorney, and

- a. The requests extend to material and information in the possession or control of the State's Attorney, members of the staff of the Office of the State's Attorney, and any other person who reports regularly to the Office of the State's Attorney or who has reported to the Office of the State's Attorney in regard to the instant case.
- b. The purpose of these requests is to obtain disclosure of material and information to the fullest extent authorized and directed by Maryland Rule 4-262; and this general purpose shall supersede any language or expression which might otherwise appear to be a limitation upon the object or scope of any request.
- c. Captions or headings used to separate paragraphs are not part of the requests but for convenience only.
- d. Material and information discovered by the State's Attorney after his initial compliance with these requests, shall be furnished promptly after such discovery in accordance with Maryland Rule 4-262(h).
- e. These requests are not to be construed as a waiver, modification or substitution of the State's mandatory obligation to disclose materials pursuant to Rule 4-262(d)(1).

**THE STATE'S ATTORNEY IS REQUESTED TO PROVIDE:**

**Materials Subject to Mandatory Disclosure**

1. Any and all material or information, in any form, whether admissible or not, that tends to exculpate the defendant or negate or mitigate the guilt or punishment as to the offense(s) charged;

2. Any and all material or information, in any form, whether admissible or not, that tends to impeach a State's witness;

#### **Materials Subject to Disclosure Upon Request**

3. All written and oral statements of the defendant and of any co-defendant that relate to the offense(s) charged and all material and information, including documents and recordings, that relate to the acquisition of such statements;
4. As to any State's witness whom the State's Attorney intends to call to prove the State's case in chief, or to rebut alibi testimony, the written statements of the witness that relate to the offense(s) charged and are, a) signed or adopted by the witness or b) contained in a police or investigative report, together with the name and address of the witness;
5. Any relevant information regarding specific searches and seizures, eavesdropping, or electronic surveillance, including wiretaps;
6. Any pretrial identification of the defendant by a State's witness;
7. As to any witnesses the State intends to call to testify as experts: a) the expert's name and address, the subject matter on which the expert is expected to testify, the substance of the expert's findings and opinions and a summary of the grounds for each opinion, b) the opportunity to inspect and copy all written reports or statements made in connection with the action by the expert, including the results of any physical or mental examinations, scientific test, experiment or comparison; and c) the substance of any oral report and conclusion of the expert.

#### **Materials Subject to Inspection by Defendant**

8. The opportunity to inspect, copy and photograph all documents, computer-generated evidence as defined in Maryland Rule 2-504.3(a), recordings, photographs or other tangible things that the State's Attorney intends to use at a hearing or trial;
9. The opportunity to inspect, copy and photograph all items obtained from or belonging to the defendant, whether or not the State's Attorney intends to use them at trial.

\*\*\*PLEASE FORWARD DISCOVERY TO [info@maronicklaw.com](mailto:info@maronicklaw.com)\*\*\*

Respectfully submitted,

/S/ Leonard Gutkoska

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that the foregoing was, on September 20, 2023, E-Filed and served on the State's Attorney for Frederick County.

**CERTIFICATE OF UNRESTRICTED INFORMATION**

I, the undersigned, hereby certify that the foregoing document does not contain any restricted information.

/S/ Leonard Gutkoska  
Leonard Gutkoska, Esq. (8501010251)